

REMARKS

Claims 1-26 remain in this application. Independent claims 1, 4, 7, 10, 13, 16, 19 and 20 have been amended. No new matter has been added. Favorable reconsideration and allowance of claims 1-26 are respectfully requested.

Claims 1-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,407,996 (Witchalls) in view of USPN 6,490,275 (Sengodan). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Claims 1-26 define over Witchalls in view of Sengodan. In rejecting claims 1-26, the Office Action states that Witchalls discloses an “application computer” as recited in independent claims 1, 4, 7, 10, 13, 16, 19 and 20 as a “computer exchange apparatus 300” at Column 7: Line 49 to Column 8: Line 4. Office Action, Page 4, Paragraph 4.

Although Applicant disagrees with the broad ground of rejections stated in the Office Action, independent claims 1, 4, 7, 10, 13, 16, 19 and 20 have been amended to further prosecution on the merits. Independent claims 1, 4, 7, 10, 13, 16, 19 and 20 have been amended to recite an “application computer arranged to execute computer telephony applications using call control information.” At least this language is not disclosed by the cited prior art, including Witchalls and Sengodan.

Witchalls and Sengodan, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in independent claims 1, 4, 7, 10, 13, 16, 19 and 20. At the given cites, in relevant part, Witchalls discloses:

The communications exchange apparatus 300 may comprise a service database 320 in the form of a hard disk memory which stores information signals relating

to available telephony services and their configurations, for example configurations for conferencing, call diversion, call waiting, and divert on no answer services; a routing table database 321 in the form of a memory device, which the call control can interrogate for detailing communications call routing information; and one or more high level services server devices, for example an ACD server device 322, and a voice mail server device 323, each of which passes messages to and from the call control.

As indicated above, the communications exchange apparatus 300 comprises a service database 320, a routing table database 321, an automatic call distributor (ACD) 322, and a voice mail server 323. According to the Office Action, “communication exchange apparatus 300 inherently arranged to execute applications such as database/routing/server services using call control information.” Office Action, Page 4, Paragraph 4. Clearly service database 320 and routing table database 321 are merely used as storage devices. There is no indication that databases 320, 321 do any more than store data. Even if they were to arguably execute database applications, they are not meant to execute applications using call control information. Rather, they would merely retrieve and store data as a conventional database program. ACD 322 and voice mail server 323 perform conventional call distribution and voice mail operations. As such, they are also not meant to execute applications using call control information.

Although Applicant believes that claims 1-26 as previously submitted define over the cited prior art, Applicant has amended independent claims 1, 4, 7, 10, 13, 16, 19 and 20 to further recite “an application computer arranged to execute computer telephony applications using call control information.” Applicant submits that Witchalls and Sengodan, whether taken alone or in combination, fail to disclose any “application computer” as recited in claims 1-26, and certainly fail to disclose “an application

computer arranged to execute computer telephony applications using call control information” as currently amended.

With particular regard to claim 1, the Office Action states that “Sengodan teaches transmitting from the gatekeeper to the application over a data network, packetized messages with information associated with the telephone class (ARQ/ACF/ARJ or BCF/BRJ message; col. 7: lines 19-26; col. 8: line 3 – col. 11: line 17), the information indicative of the length of the telephone calls (bandwidth requirement/allocated bandwidth).” Office Action, Page 3. While a bandwidth requirement or allocated bandwidth may arguably indicate the quality of a telephone call, it certainly does not indicate the length of a telephone call. Consequently, Sengodan fails to disclose “transmitting, from said gatekeeper to said application computer over said data network, packetized messages with information associated with said telephone calls, said information indicative of the length of said telephone calls” as recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18 and 21-26 is respectfully requested. Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18 and 21-26 also are non-obvious and patentable over Witchalls and Sengodan, taken alone or in combination, at least on the basis of their dependency from claims 1, 4, 7, 10, 13, 16, 19 or 20. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims as well.

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For at least the reasons given above, Witchalls and Sengodan fail to disclose all the elements of claims 1-26, whether taken alone or in combination. Accordingly, withdrawal of the obviousness rejection is respectfully requested.

For at least the above reasons, Applicant submits that claims 1-26 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-26 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

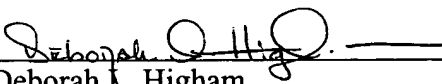
Respectfully submitted,

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Deborah L. Higham 6-23-05
Date

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